

Transportation Report to
SPC on Transportation and Transit
2020 June 24

ISC: UNRESTRICTED
TT2020-0611

Calgary Transit Bylaw 4M81 Amendments—Administrative Penalty Notice and Early Payment Option

EXECUTIVE SUMMARY

Calgary Transit is proposing amendments to the Calgary Transit Bylaw 4M81 in order to offer customers early-payment options for fare-evasion violations.

The amendments would enable the municipality to offer an early-payment option for violators through the issuance of a fare evasion tag (technically called an Administrative Penalty Notice). Currently, fare evasion violations are tickets which automatically require a provincial court appearance to dispute the circumstances of the offence or to plead guilty to reduce the fine amount. Enabling Calgary Transit Peace Officers to issue fare evasion tags will result in saving customers' time and City resources, easing the burden on the provincial court for being the only avenue for a fine reduction.

The Bylaw change aligns with the introduction of the My Fare mobile ticketing system that Calgary Transit will be introducing in summer of 2020. It also allows future alignment with the Administrative Penalties System (APS) business recommendation which features a municipal tribunal to resolve parking and transit fare evasion appeals; however, the two are not inter-dependent.

Customer disputes will be reviewed by Calgary Transit's internal administrative review process which takes into consideration compassionate reasons, financial hardship, or to request an extension to pay the penalty for extenuating circumstances. The review process provides a mechanism to easily and efficiently find possible resolution prior to proceeding through the judicial system. Learnings from Calgary Transit's issuance of fare-evasion tags and subsequent internal administrative review process will provide best practices and learnings to the future creation of the municipal tribunal.

Calgary Transit engaged with several transit agencies and municipalities to learn best practices for early-payment options for tags and found that the public is more likely to pay the fine if they are offered an immediate reduction for paying sooner through a convenient method. Calgary Transit has closely aligned its model to Calgary Parking Authority's successful model.

ADMINISTRATION RECOMMENDATION:

That the Standing Policy Committee on Transportation & Transit recommend that Council give three readings to the proposed bylaw to amend the Calgary Transit Bylaw 4M81 (Attachment 1).

PREVIOUS COUNCIL DIRECTION / POLICY

The Calgary Transit Bylaw 4M81 was last amended on 2020 February 24 to include wording to reflect new technology and terminology for the introduction of Calgary Transit's My Fare mobile ticketing. Unanimous support was given by Council, "That in respect to Report TT2020-0099, the following be approved: That Council give three readings to Proposed Bylaw 5M2020 to amend the Calgary Transit Bylaw 4M81."

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BACKGROUND

Calgary Transit Peace Officers issue approximately 15,000 fare related summons-per-year, with a specified penalty of \$250.00. Prosecutorial discretion, in tandem with a minimum penalty amount of \$150.00 under the Transit Bylaw, allows for the reduction of the fine amount to \$150.00, resulting in many citizens choosing to plead their case for a violation fine reduction. However, to do so they must personally attend at Provincial Court. In cases where an individual is not deemed eligible for a reduction and/or they wish to proceed to trial, Calgary Transit Peace Officers are required to attend, resulting in increased costs for overtime. This also detracts from the core service Peace Officers offer, which is to serve customers on the transit system itself.

The Municipal Government Act and the Provincial Offences Procedure Act both provide the ability for Municipalities to accept voluntary payments to resolve bylaw offences. This enables Calgary Transit to make amendments to Calgary Transit Bylaw 4M81 to allow Peace Officers to issue tags and thus offer an early-payment option.

The amendments proposed in this report are in addition to the approved Transit Bylaw 4M81 amendments passed by Council on 2020 February 24 to amend the wording in the bylaw to incorporate the introduction of Calgary Transit's Mobile Ticketing System and the My Fare App.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Under the current Calgary Transit Bylaw 4M81, there is no early payment option for customers who have received a transit fare evasion ticket. Customers frequently dispute violations, resulting in court appearances, requiring City resources such as prosecutors and peace officers to attend court. This also ties up court resources at a time when demands on the judicial system are high. The rationale for issuing early-payment options include:

1. Save customers time: early payment options will provide convenience to customers to opt to pay a lower fine, rather than spend time going to Provincial court to request a reduced fine amount; and
2. Save City resources: early-payment options and the internal review process should capture most transit fare-evasion tags, prior to their transition to a violation ticket for non-compliance. This significantly decreases the requirement for Calgary Transit Peace Officers to appear as court witnesses, thereby resulting in a greater street-level presence.

To facilitate the issuance of a fare evasion tag and the early-payment options, several bylaw amendments are required. Examples include:

1. Where an officer believes that a person has contravened Section 9 of this Bylaw, the officer may commence proceedings against the person by issuing a Fare Evasion Tag to the person.
2. The specified penalties and early payment amount(s) for a contravention of Section 9 of this bylaw, are set out in Schedule B, which shall form part of this Bylaw.

Further definitions are outlined in the Bylaw Amendments in Attachment 1 and examples of the fare evasion tag and early-payment options are outlined in Attachment 2.

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If a customer wishes to dispute the issuance of a fare-evasion tag, Calgary Transit has an internal administrative review process for compassionate reasons, financial hardship, or to request a time extension to pay the penalty for extenuating circumstances. Calgary Transit personnel will have the discretion to consider each request for review and determine the appropriate resolution. The issuance of a fare-evasion tag does not eliminate a customers' right to a trial, but rather it provides a mechanism to easily and efficiently access potential resolution prior to proceeding through the judicial system.

The issuance of fare-evasion tags supports the introduction of the Administrative Penalties System (APS) and the future municipal tribunal to resolve parking and transit fare evasion appeals; however, it is not reliant on the tribunal to issue fare-evasion tags. The introduction of the fare-evasion tags will provide lessons learned that can be applied to the Municipal Tribunal system's design, implementation of penalty notices, and adjudication.

In addition, the proposed amendments are aligned with previous amendments to the Calgary Transit Bylaw 4M81 that were last made in February of 2020 to support the future launch of Calgary Transit's My Fare mobile ticketing system. Both amendments provide for the modernization of customer options for fare purchases and violation payments.

Administration evaluated the approaches of several other agencies before developing these recommendations. No alternatives to these recommendations have been found that address The City's current resourcing constraints while still mitigating fare evasion.

Stakeholder Engagement, Research and Communication

To learn best practices for creating and implementing an early-payment options for tags, Calgary Transit engaged with other municipalities and transit agencies in Ontario (ON) and British Columbia (BC). The transit agencies included TransLink (BC) and Metrolinx (ON), and cities who issue similar tags for bylaw infractions (Vaughan, Brampton and Markham).

The early-payment options along with an internal administrative review process have been successful for these jurisdictions. They found that the public is more likely to pay the fine if they are offered an immediate reduction, can pay sooner, and through a more convenient method.

Calgary Parking Authority (CPA) has also seen success with this model. Calgary Transit has closely aligned the base model with that of CPA and worked closely with the Law Department in developing policy for the Administrative Review Processes and early-payment options.

Strategic Alignment

The introduction of fare-evasion tags and early payment options supports the long-term goals of the Municipal Development Plan, along with Council Priorities for a well-run city, being as efficient and as effective as possible, reducing costs and focusing on value for money, and continuing to transform the organization to be more citizen-focused in its approach to delivery of service.

Social, Environmental, Economic (External)

The option for Calgary Transit customers to immediately access and make payment of a reduced-fine-amount will benefit customers, and the revenue from fines issued will be paid

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directly to The City. Calgary Transit's has an informal forum for customers to explain their individual circumstances and access an early resolution for their fine. This will have a positive impact on Calgary Transit customers, specifically with respect to applying a least harm approach for low income, vulnerable and marginalized populations.

Financial Capacity

Current and Future Operating Budget:

The budget for an IT solution was co-funded by the Corporate Technology Committee and Calgary Transit, with operating costs in the form of workload re-assignment achieved through existing salaries.

Current and Future Capital Budget:

There are no capital budget implications associated with the recommendations in this report.

Risk Assessment

There is potential for limited citizen buy-in for the first 12-months, due to the shift from violation tickets to tags. This may result in more tags than anticipated becoming violation tickets upon expiry, potentially delaying immediate fine collection for that adjustment period to Calgary Transit.

REASON(S) FOR RECOMMENDATION(S):

Bylaw amendments are required as part of the introduction of early payment options and the administrative review process.

ATTACHMENT(S)

- Attachment 1 – Transit Bylaw 4M81 Amendments
- Attachment 2 – Draft of Calgary Transit Fare Evasion Tag